

S.B.Cr.Misc. Bail App. No.4268/2007

(Mahinga Ram vs. State of Rajasthan)

Date of order : September 12, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.J.R.Choudhary, for the petitioner.

Mr.Vishal Raj Mehta, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers.

It is contended by the learned counsel for the petitioner that mainly allegation of subjecting the deceased harassment or cruelty is against the husband of the deceased viz. Dhanna Ram. Learned counsel for the petitioner submits that mainly the prosecution witnesses stated that, it was Dhanna Ram, who used to give beatings to the deceased. Witness Dhanna Ram s/o Jetha Ram has also stated that Mohan Ram came to him and informed that his brother-in-law (Dhanna Ram) used to harass his sister and give beating to her. It has also been stated that the husband of the deceased had earlier been in jail and he is a man

of bad character. It is contended that so far as present petitioner is concerned, he is father-in-law of the deceased. There is no specific allegation of subjecting the deceased harassment or cruelty against the petitioner in connection with demand of dowry.

It appears that mainly the allegations are against the husband of the deceased, however, there are general allegations against the in-laws of the deceased including the petitioner, petitioner's wife and daughter but according to the learned counsel, except the petitioner, other family members have not been challaned by the police though there are similar allegations against them also.

Be that as it may, without commenting on the merit of the case, which may prejudice the case of either party at the trial, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Mahinga Ram s/o Hukma Ram be released on bail in FIR No.169/2006, P.S. Khinvsar provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of

Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-